

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

COREY W. SCHNEIDER,

Defendants.

4:04CR3128

ORDER

Defendant has moved for a review of the detention order and requests a hearing. (Filing No. 297). Under 18 U.S.C. § 3142(f) the magistrate judge may review detention only if “information exists that was not known to the movant at the time of the hearing and that has a material bearing” on the amelioration of the risks of nonappearance and safety. Motions for review of detention must specify the factual basis for the motion, the materiality of the facts to the issues, and that the information was not known previously.

I have reviewed the Defendant’s drug evaluations from March 15, 2020 and April 28, 2021. There is no material difference in the evaluations; that is, both describe Defendant’s extensive background of drug use and both recommend long-term residential treatment followed by transition to a halfway house. Defendant was afforded the opportunity to participate in residential drug treatment, but he walked away from the facility. He appeared before the court months later on March 25, 2021, and he was detained.

When deciding if a defendant must be detained pending further court proceedings, the court considers whether Defendant’s release will pose a risk of harm to the public or a risk of nonappearance. Although it was obtained

following the March 25, 2021 hearing, the April 28, 2021 evaluation affirms what the court and parties knew at that hearing—that this defendant has a continued and serious issue with addiction and could benefit from residential treatment. The April 28, 2021 evaluation contains no previously unknown facts relevant to the issue of whether allowing another release to residential treatment will sufficiently ameliorate the risk of harm to the public and of nonappearance caused by that release.

Accordingly,

IT IS ORDERED that Defendant's motion to review detention, (Filing No. 297), is denied.

Dated this 5th day of May, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge